

EXHIBIT

I

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

FORIA INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No.: CV 05-4798PA (Mcx)
)	(Central District of California)
NITCHES, INC.; KOHL'S)	
DEPARTMENT STORES, INC.; and)	
DOES 1-9, INCLUSIVE,)	
)	
Defendants.)	

OBJECTION OF CAPELL & HOWARD, P. C. TO SUBPOENA

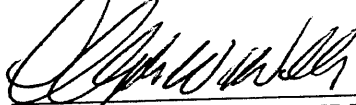
COMES NOW the law firm of Capell & Howard, P. C. (hereinafter, "Capell") and, pursuant to Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure, hereby objects to the Rule 45 subpoena served by Kohl's Department Stores, Inc. on Capell on October 19, 2005. In support of this objection, Capell states as follows:

1. In 2004, Capell, Christopher W. Weller and Henry C. Barnett, Jr. undertook the joint representation of Foria International, Inc. and Kohl's Department Stores, Inc. in the action styled *Woods & Water, Inc. v. Foria International, Inc. and Kohl's Department Stores, Inc.*, Case No. CV-040HS-3076-S, United States District Court, Northern District of Alabama, Southern Division. Pursuant to the subject subpoena, Kohl's seeks the production of Capell's litigation file regarding the Woods & Water matter.

2. Attorneys for Foria claim, however, that production of the requested documents would violate attorney-client privilege and the attorney work product doctrine, and they have further threatened to file a complaint with the Alabama State Bar in the event that Capell produces the requested documents. See Attached Letter of Foria Attorney Kassandra Clingan.

3. Given these circumstances and, in particular, the fact that it now finds itself in the middle of a dispute among two former clients, Capell objects to the production of the requested documents and will await further instruction from the Court regarding same.

Respectively submitted,



CHRISTOPHER W. WELLER (WEL020)
HENRY C. BARNETT, JR. (BAR037)

OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that on this the 3rd day of November, 2005, a true and correct copy of the foregoing was served by first class United States mail, postage prepaid and properly addressed upon the following:

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